

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CLEAVON LAMAR BATTLE :
: Plaintiff,
: v. : Civil Action No. 5:09-CV-104 (HL)
BRUCE CHATMAN, et al. :
: Defendants.

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Claude W. Hicks Jr., entered on December 21, 2009 (Doc. 23). The Magistrate Judge has recommended that Defendants' Motion to Dismiss (Doc. 20) be granted, and Plaintiff's complaint under 42 U.S.C. § 1983 be dismissed for failure to exhaust administrative remedies. Plaintiff has filed an Objection (Doc. 24) to the Recommendation.

After making a *de novo* review of the Recommendation and considering the Objection, the Court finds that the Objection has no merit. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. Defendants' Motion to Dismiss (Doc. 20) is granted, and Plaintiff's complaint is dismissed without prejudice.

SO ORDERED, this the 14th day of January, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh